

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RONALD WAYNE SMITH,)	
)	
Movant,)	
)	
v.)	No. 4:05-CV-991-CDP
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Ronald Wayne Smith to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.

On June 25, 1997, movant pleaded guilty to one count of violating 18 U.S.C. § 922(g)(1) and § 924(a)(2)(felon in possession of a firearm). On September 19, 1997, he was sentenced to a term of forty-two months imprisonment and three years of supervised release. See United States v. Smith, No. 4:97-CR-136-CDP (E.D. Mo.). The Court's records indicate that at the time of sentencing, movant was in federal custody on a writ of habeas corpus from Linn County, and that he had felony charges pending in both Linn and Chariton County. Following federal sentencing, movant was returned to state custody. In October 1997, movant was sentenced in state court and

served time in the Missouri Department of Corrections. In 1999, movant was transferred to federal custody to begin serving the federal sentence imposed on September 19, 1997. Movant's federal supervised release commenced on May 9, 2002. Thereafter, the United States Office of Probation filed a "petition for warrant for offender under supervision," which this Court granted on October 4, 2002. See United States v. Smith, No. 4:97-CR-136-CDP (E.D. Mo.)(Doc. #36).

Movant filed the instant § 2255 action on June 22, 2005. His current address indicates that he is incarcerated at the Western Missouri Correctional Center ("WMCC") in Cameron, Missouri. Movant claims that he is "[s]erving this sentence outside the [federal] sentence imposed" on September 19, 1997, and that he is being denied work release due to the fact that a federal detainer has been lodged against him.

Given that movant's three-year federal supervised release began on May 9, 2002, that this Court issued a warrant on October 4, 2002, and that he presently is serving a state sentence at WMCC, his claim that he is being incarcerated beyond his federal sentence is without merit. See 18 U.S.C. § 3583(i). Moreover, movant's claim that he is being denied work release because a federal detainer has been lodged against him does not state a constitutional violation for purposes of § 2255 habeas corpus relief.

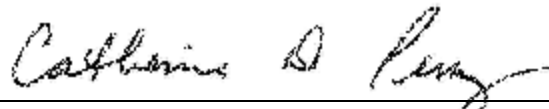
In accordance with the foregoing,

IT IS HEREBY ORDERED that movant's motion pursuant to 28 U.S.C.

§ 2255 is **DENIED**.

An appropriate order will accompany this memorandum and order.

Dated this 9th day of September, 2005

A handwritten signature in cursive script, appearing to read "Catherine D. Perry", is written above a horizontal line.

UNITED STATES DISTRICT JUDGE